

108TH DISTRICT COURT  
Case 2:17-cv-00059-J Document 1-1 Filed 03/31/17 Page 1 of 20 PageID 6  
**CASE SUMMARY**  
**CASE NO. 106231-00-E**

DANNY PRICE GARRETT VS. JAMES WALTER  
CAVE AND EAN HOLDINGS, LLC

§  
§  
§  
§

Location: 108th District Court  
Filed on: 02/23/2017

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CASE INFORMATION

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File Date 02/23/2017

Case Type: **Personal Injury and Property  
Damage-Motor Vehicle**

**Cause of Action** Personal Injury and Property  
Damage

**Description/Remedy**  
Action

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DATE

CASE ASSIGNMENT

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**Current Case Assignment**

Case Number 106231-00-E  
Court 108th District Court  
Date Assigned 02/23/2017

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PARTY INFORMATION

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Plaintiff

**GARRETT, DANNY PRICE**

*Lead Attorneys*  
**QUACKENBUSH, JESSE**  
*Retained*  
806-374-4024(W)

**GARRETT, DANNY PRICE**

Defendant

**CAVE, JAMES WALTER**

**CAVE, JAMES WALTER**

**EAN, HOLDINGS LLC**

**SMITH, BRETT A.**  
*Retained*  
972-934-9100(W)

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DATE

EVENTS & ORDERS OF THE COURT

INDEX

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02/23/2017 **Cause of Action** Personal Injury and Property Damage (0)  
Action Type Action

02/23/2017 PREPARE DOCKET SHEET  
*PREPARE DOCKET SHEET Init: KM*

02/23/2017 DISCOVERY LEVEL 3  
*DISCOVERY LEVEL 3 Init: KM*

02/23/2017 FILE EFILE LOG #: ^  
*FILE EFILE LOG #: 015494745-0 Init: KM*

02/23/2017 FILE CIVIL COVER SHEET  
*FILE CIVIL COVER SHEET Init: KM*

02/23/2017 File Document:  
*FILE: REQUEST FOR ISSUANCE JAMES WALTER CAVE Init: KM*

02/23/2017 File Document:  
*FILE: REQUEST FOR ISSUANCE EAN HOLDINGS, LLC Init: KM*

02/23/2017 FILE PLAINTIFF'S ORIGINAL PETITION/DC^

108TH DISTRICT COURT  
Case 2:17-cv-00059-J Document 1-1 Filed 03/31/17 Page 2 of 20 PageID 7  
**CASE SUMMARY**  
**CASE NO. 106231-00-E**

*FILE PLAINTIFF'S ORIGINAL PETITION/DC Init: KM*

02/23/2017	Civil Case Filed (OCA)	
02/27/2017	CHECK OUT DOCKET SHEET TO: ^ <i>CHECK OUT DOCKET SHEET TO: COURT NEW CASE Init: KM</i>	
02/27/2017	MAIL: ^ <i>MAIL: CITATION BY CERTIFIED MAIL TO: EAN HOLDINGS, LLC ARTICLE NO 9414 7266 9904 2080 6472 31 Init: KM</i>	
02/27/2017	EMAIL ^ <i>EMAIL CITATION TO ATTORNEY FOR JAMES WALTER CAVE Init: KM</i>	
02/28/2017	File Document: <i>FILE: CONFIRMATION OF DELIVERY OF CITATION VIA EMAIL Init: KM</i>	
03/01/2017	FILE CERTIFIED MAIL POSTAGE RECEIPT ^ <i>FILE CERTIFIED MAIL POSTAGE RECEIPT ARTICLE NO 9414 7266 9904 2080 6472 21 ADRESSED TO: EAN HOLDINGS, LLC Init: KM</i>	
03/17/2017	 RECORD CITATION CERTIFIED MAIL <i>ean Holdings, LLC, served on 3/2/17. Article No. 9414 7266 9904 2080 6472 21. Signed by Adelia ?</i>	
03/23/2017	 Request for Copies and/or Search for Potter County <i>(copy of Original petition &amp; Return citation for Ean Holdgins LLC)</i>	
03/23/2017	Other Action: <i>email confirmation for delivery of documents</i>	
03/24/2017	E File Log Paid by: Attorney SMITH, BRETT A. 016062509-0	Instrument# 016062509-0
03/24/2017	Defendant/s Original Answer <i>Defendant Enterprise Leasing Company of Chicago, LLC, Incorrectly named as Holdings, LLC's Original Answer (Enterprise Leasing Company of Chicago, LLC, Incorrectly names as Ean Holdings, LLC)</i>	

DATE	FINANCIAL INFORMATION	
<b>Attorney</b> SMITH, BRETT A.		
Total Charges		2.00
Total Payments and Credits		2.00
<b>Balance Due as of 3/30/2017</b>		<b>0.00</b>
<b>Plaintiff</b> GARRETT, DANNY PRICE		
Total Charges		443.50
Total Payments and Credits		443.50
<b>Balance Due as of 3/30/2017</b>		<b>0.00</b>

## CIVIL CASE INFORMATION SHEET

106231-E

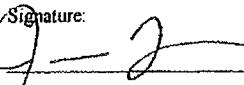
CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

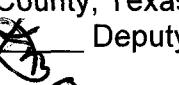
STYLED Danny Price Garret vs. James Walter Cave and Gary Holdings, LLC

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:
Name: <u>Jesse Quackenbush</u>	Email: <u>JESSEQLF@GMAIL.COM</u>	Plaintiff(s)/Petitioner(s): <u>Danny Price Garret</u>	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:
Address: <u>801 S. Fillmore Ste. 460</u>	Telephone: <u>806-374-4024</u>	Defendant(s)/Respondent(s): <u>James Walter Cave</u>	Additional Parties in Child Support Case:
City/State/Zip: <u>Amarillo, TX 79101</u>	Fax: <u>806-352-0073</u>	<u>Gary Holdings, LLC</u>	Custodial Parent:
Signature: 	State Bar No: <u>16421975</u>	Non-Custodial Parent:	
[Attach additional page as necessary to list all parties]			

## 2. Indicate case type, or identify the most important issue in the case (select only 1):

Civil			Family Law	
Contract	Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (non-Title IV-D)
<b>Debt/Contract</b> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract:	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability:  <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product:  <input type="checkbox"/> Other Injury or Damage:	<input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property:	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order
<b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure  <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		<b>Related to Criminal Matters</b>  <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus— Pre-indictment <input type="checkbox"/> Other:	<b>Other Family Law</b>  <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Parent-Child Relationship</b>  <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
<b>Employment</b>  <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	  <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	  <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		
<b>Tax</b>  <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	  <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings	  <b>Probate &amp; Mental Health</b>  <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:	2/23/2017 3:00:25 PM	Filed  Caroline Woodburn District Clerk
			Potter County, Texas By  Deputy	05

## 3. Indicate procedure or remedy, if applicable (may select more than 1):

<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-Judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover
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## 4. Indicate damages sought (do not select if it is a family law case):

<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000
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CAUSE NO. 106231-E**DANNY PRICE GARRETT,**  
*PLAINTIFF*§ IN THE 108th DISTRICT COURT

VS.

§ IN AND FOR

**JAMES WALTER CAVE AND EAN  
HOLDINGS, LLC,**  
*DEFENDANTS*

§ § § § POTTER COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION****TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, **DANNY PRICE GARRETT**, hereinafter referred to as Plaintiff complaining of **JAMES WALTER CAVE AND EAN HOLDINGS, LLC**, hereinafter referred to as Defendants and for cause of action would respectfully show unto this Honorable Court and Jury as follows:

**I.****DISCOVERY LEVEL ELECTION**

**1.01** Plaintiff intends to conduct discovery under Level 3 pursuant to Rule 190.3 of the Texas Rules of Civil Procedure.

**II.****PARTIES**

**2.02** Plaintiff, **DANNY PRICE GARRETT**, is a resident citizen of Amarillo, Randall County Texas. The last four digits of Plaintiff's driver's license are 4490.

**2.03** Defendant, **JAMES WALTER CAVE**, is a resident citizen of Winsford, England. Service of process may be had by serving this Defendant at his residential address located at 80 Chester Road, Winsford, CW7 2NQ, United Kingdom, England. The last four digits of Defendant's driver's license are 9HY3.

**2.04** Defendant, **EAN HOLDINGS, LLC**, is a Oklahoma Corporation doing business throughout the State of Texas and may be served with process by serving its registered agent, The Corporation Company, 1833 South Morgan Road, Oklahoma City, OK 73128.

**III.**  
**METHOD OF SERVICE**

**3.05** Plaintiff requests that the Potter County District Clerk issue citations and serve the Defendant, **EAN HOLDINGS, LLC** with a copy of this Petition by certified mail – return receipt requested. Plaintiff requests that the Potter County District Clerk issue citation and allow Mr. Andrew Green an agent of Across the Pond Service, 12 Brighton, Ben Rhydding, Ilkley, L529 8P5, England to serve Defendant, **JAMES WALTER CAVE** with a copy of the citation and this petition by hand delivery.

**IV.**  
**JURISDICTION AND VENUE.**

**4.06** This suit is brought as a result of an automobile accident which occurred in Amarillo, Potter County, Texas.

**4.07** This case is brought pursuant to common law and statutory laws regarding traffic regulation in the State of Texas and specifically the Texas Traffic Code.

**4.08** Plaintiff seeks monetary damages far in excess of the minimum jurisdictional limits of this Court: monetary relief of more than \$200,000.00 but less than \$1,000,000.00, including damages of any kind, penalties, costs, expenses and pre-judgment interest.

**V.**  
**OPERATIVE FACTS**

**5.09** On or about the 10<sup>th</sup> day of October, 2016, at approximately 10:10 a.m., Plaintiff was traveling west in the left lane of the IH 40 service road. Defendant, **JAMES WALTER CAVE** was traveling west in the right lane of the IH 40 service road. As both units approached the intersection with Hope Road, suddenly and without warning, Defendant, **JAMES WALTER CAVE** attempted to make a left turn from the right lane and caused a collision. Defendant, **JAMES WALTER CAVE**'s vehicle spun around and came to rest facing southeast in the left lane. Plaintiff's vehicle went to the right and came to rest in some trees facing northeast. Plaintiff was severely injured.

**VI.**  
**NEGLIGENCE OF DEFENDANT, JAMES WALTER CAVE**

**6.10** At all times relevant and material hereto, Defendant, **JAMES WALTER CAVE**, was negligent in failing to do the following things, either singularly or in combination, which directly and proximately caused the accident made the basis of this lawsuit:

**A. COMMON LAW:**

- 1) Failed to keep a proper lookout for other vehicles and in particular Plaintiff's vehicle;**
- 2) Failed to yield the right of way – turning left; and**
- 3) Failed to take evasive action such as steering his vehicle to the left or to the right to avoid colliding with Plaintiff's vehicle.**

**6.11** The above-listed negligent acts and/or omissions of Defendant, **JAMES WALTER CAVE**, directly and proximately caused the injuries and damages sustained by Plaintiff which are more particularly described below.

**B. STATUTORY LAW:**

**6.12** At all time relevant and material hereto, the Defendant **JAMES WALTER CAVE** negligently violated the following statutory traffic laws in Texas, either singularly or in

combination, which directly and proximately caused the accident made the basis of this lawsuit:

**1. §545.151 VEHICLE APPROACHING OR ENTERING INTERSECTION**

**An operator approaching an intersection:**

(1) Shall stop, yield, and grant immediate use of the intersection:  
(A) In obedience to an official traffic-control device, including a stop sign or yield right-of-way sign; or

(B) If a traffic-control signal is present but does not display an indication in any of the signal heads; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(a) An operator on a single-lane or two-lane street or roadway who approaches an intersection that is not controlled by an official traffic-control device and that is located on a divided highway or on a street or roadway divided into three or more marked traffic lanes:

(1) Shall stop, yield, and grant immediate use of the intersection to a vehicle on the other street or roadway that is within the intersection or approaching the intersection in such proximity as to be a hazard; and

(2) After stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(b) An operator, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway:

(1) Shall stop, yield, and grant immediate use of the intersection to a vehicle on the paved street or roadway that is within the intersection or approaching the intersection in such proximity as to be a hazard; and

(2) After stopping, may proceed when the intersection can be safely entered interference or collision with traffic using the paved street or roadway.

(c) Except as provide in Subsection (e), an operator approaching an intersection of a street or roadway that is not controlled by an official traffic-control device:

(1) Shall stop, yield, and grant immediate use of the intersection to a vehicle that has entered the intersection from the operator's right or is approaching the intersection from the operator's right in a proximity that is a hazard; and

(2) After stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(d) An operator approaching an intersection of a street or roadway from a

street or roadway that terminates at the intersection and that is not controlled by an official traffic-control device or controlled as provided by Subsection (b) or (c):

- (1) Shall stop, yield, and grant immediate use of the intersection to another vehicle that has entered the intersection from the other street or roadway or is approaching the intersection on the other street or roadway in a proximity that is a hazard; and
- (2) After stopping, may proceed when the intersection can be safely entered without interference or collision with the traffic using the other street or roadway.

(e) An operator who is required by this section to stop and yield the right-of-way at an intersection to another vehicle and who is involved in a collision or interferes with other traffic at the intersection to whom right-of-way is to be given is presumed not to have yielded the right-of-way.

Acts 1995, 74<sup>th</sup> Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78<sup>th</sup> Leg., ch. 1325, Sec. 19.05, eff. Sept. 1, 2003.

## 2. §545.103 SAFELY TURNING

An operator may not turn the vehicle to enter a private road or driveway, otherwise turn the vehicle from a direct course, or move right or left on a roadway unless movement can be made safely.

Acts 1995, 74<sup>th</sup> Leg., ch. 165, § 1, eff. Sept. 1, 1995.

## VII.

### NEGLIGENCE OF EAN HOLDINGS, LLC

7.13 The vehicle driven by **JAMES WALTER CAVE** was owned by **EAN HOLDINGS, LLC**.

7.14 At the time and place of the occurrence made the basis of this lawsuit, Defendants failed to exercise that degree of care imposed upon them by law. Defendants were jointly burdened with the duty to exercise ordinary care in the operation of motor vehicles in the State of Texas. Such failure by Defendants resulted in an unreasonable risk of harm to other drivers and in particular to Plaintiff, thereby making Defendants jointly and severally liable for all injuries and damages sustained by Plaintiff.

7.15 Plaintiff will show that all times relevant and material hereto, Defendant **JAMES WALTER CAVE** had permission and authority from Defendant, **EAN HOLDINGS, LLC** to use the

vehicle he was driving just prior to and at the time of the collision made the basis of this lawsuit. In that regard, Plaintiff will show that Defendant, **JAMES WALTER CAVE** was driving a white 2016 Chevrolet Traverse, VIN 1GNKRHKD9GJ266044, which was owned by Defendant **EAN HOLDINGS LLC**. Plaintiff will show at trial that **EAN HOLDINGS, LLC** knew that **JAMES WALTER CAVE** had been operating his vehicle and he was authorized to do so just prior to and at the time of the collision made the basis of this lawsuit.

**7.16** Further, Plaintiff will show at trial that **EAN HOLDINGS, LLC** had negligently entrusted the vehicle in question to Defendant **JAMES WALTER CAVE**, who they knew or should have known was a reckless, unlicensed and/or incompetent driver.

**VIII.**  
**DAMAGES TO PLAINTIFF DANNY PRICE GARRETT**

**8.17** As a direct and proximate result of the Defendants' negligent acts and/or omissions set out above, Plaintiff, **DANNY PRICE GARRETT**, has suffered severe and permanent physical injuries to his body in general. Said injuries have resulted in damages far in excess of the minimum jurisdictional limits of this Court.

**8.18** Plaintiff seeks damages for the injuries he received as a direct and proximate result of the accident made the basis of this lawsuit and Defendants' negligence:

- a) Pain and suffering in the past & future**
- b) Disfigurement in the past & future**
- c) Mental anguish in the past & future**
- d) Physical impairment in the past & future**
- e) Medical charges in the past**
- f) Medical charges in the future**
- g) Loss of earnings in the past and loss of future wages earning capacity**
- h) Property damage and loss of use of vehicle**
- i) Pre-judgment interest**
- j) Post-judgment interest**

IX.

**DEMAND FOR JURY**

**9.19** Plaintiff respectfully requests a trial by jury and tenders his jury fee concurrently with filing of this action.

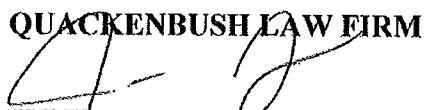
X.

**PRAYER**

**10.20 WHEREFORE, PREMISES CONSIDERED**, Plaintiff prays that the Defendants be cited to appear and answer herein; that upon final trial hereof, Plaintiff has judgment against the Defendants, jointly and severely, for the full amount of his damages, as herein alleged; pre-judgment interest and post-judgment interest at the legal rate; costs of Court; and such other and further relief to which he may show himself to be justly entitled.

Respectfully submitted,

QUACKENBUSH LAW FIRM



Jesse Quackenbush  
State Bar No. 16421975  
801 S. Fillmore, Suite 460  
Amarillo, Texas 79101  
Telephone: (806) 374-4024  
Facsimile: (806) 352-0073  
[jesseqlf@gmail.com](mailto:jesseqlf@gmail.com)

ATTORNEY FOR PLAINTIFF

Filed  
Caroline Woodburn  
District Clerk  
2/23/2017 3:00:25 PM  
Potter County, Texas  
By \_\_\_\_\_ Deputy



**Service of Process  
Transmittal**

03/02/2017

CT Log Number 530787540

**TO:** Evelyn Shadley, Legal Assistant  
Enterprise Holdings, Inc.  
600 Corporate Park Dr  
Saint Louis, MO 63105-4211

**RE: Process Served in Oklahoma**

**FOR:** EAN Holdings, LLC (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Danny Price Garrett vs. James Walter Cave and EAN Holdings, LLC

**DOCUMENT(S) SERVED:** Citation, Return, Original Petition

**COURT/AGENCY:** 108th District Court - Potter County, TX  
Case # V10623100E

**NATURE OF ACTION:** Personal Injury - Vehicle Collision - 10/10/2016

**ON WHOM PROCESS WAS SERVED:** The Corporation Company, Oklahoma City, OK

**DATE AND HOUR OF SERVICE:** By Certified Mail on 03/02/2017 postmarked on 02/28/2017

**JURISDICTION SERVED :** Oklahoma

**APPEARANCE OR ANSWER DUE:** By 10:00 a.m. on the Monday next following the expiration of 20 days after service

**ATTORNEY(S) / SENDER(S):** Jesse Quackeubush  
Quackeubush Law Firm  
801 S. Fillmore, Suite 460  
Amarillo, TX 79101  
806-374-4024

**ACTION ITEMS:** SOP Papers with Transmittal, via UPS Next Day Air , 1Z0399EX0113322192  
Image SOP  
Email Notification, Brian Braunstein Brian.S.Braunstein@ehi.com  
Email Notification, Evelyn Shadley EVELYN.SHADLEY@EHI.COM

**SIGNED:**  
**ADDRESS:** The Corporation Company  
1833 South Morgan Road  
Oklahoma City, OK 73128

**TELEPHONE:** 214-932-3601

**CERTIFIED MAIL®**

Case 2:17-cv-00059-J Document 1-1 Filed 03/31/17 Page 12 of 20 PageID 17

**CAROLINE WOODBURN**  
DISTRICT CLERK, POTTER COUNTY  
P.O. BOX 9570  
AMARILLO, TEXAS 79105-9570



U.S. POSTAGE  PITNEY BOWES

ZIP 79101 \$ 007.29<sup>0</sup>  
02 4W  
0000345987 FEB 28 2017

**Return Service Requested**

9414 7266 9904 2080 6472 31

**RETURN RECEIPT REQUESTED**

RETURN RECEIPT REQUESTED

EAN HOLDINGS, LLC  
BY SERVING ITS REGISTERED AGENT  
THE CORPORATION COMPANY  
1833 SOUTH MORGAN ROAD  
OKLAHOMA CITY, OK 73128

P.O. Box 9570  
Amarillo, Texas 79105-9570  
501 S. Fillmore - Suite 1B

POTTER COUNTY  
Caroline Woodburn  
DISTRICT CLERK

(806) 379-2300  
Fax: (806) 372-5061  
districtclerk@co.potter.tx.us

=====

THE STATE OF TEXAS  
CIVIL

CITATION--CERTIFIED MAIL

CAUSE NO. V-106231-00-E

DANNY PRICE GARRETT VS. JAMES WALTER CAVE AND EAN HOLDINGS, LLC  
IN AND FOR THE: 108TH DISTRICT COURT

TO: EAN HOLDINGS, LLC BY SERVING ITS REGISTERED AGENT  
THE CORPORATION COMPANY  
1833 SOUTH MORGAN ROAD  
OKLAHOMA CITY, OK 73128

**NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.**

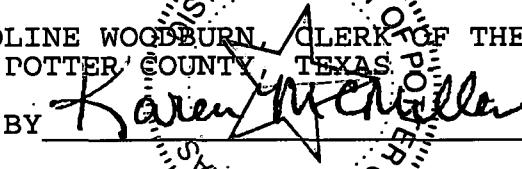
THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS FILED ON: FEBRUARY 23, 2017 IN THE 108TH DISTRICT COURT LOCATED AT AMARILLO, POTTER COUNTY, TEXAS.

ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION

THE ATTORNEY FOR THE PLAINTIFF IS: JESSE QUACKENBUSH, 801 S FILLMORE, STE 460, AMARILLO, TEXAS 79101, (806) 374-4024.

THIS CITATION WAS EXECUTED BY MAILING A TRUE COPY OF IT TO THE DEFENDANT AND ADDRESS NAMED ABOVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED WITH A TRUE COPY OF THE PETITION ATTACHED.

ISSUED AND GIVEN UNDER MY HAND AND SEAL ON: FEBRUARY 27, 2017

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS  
BY  DEPUTY

(OFFICER'S RETURN FOLLOWS)

DEFENDANT'S  
COPY

P.O. Box 9570  
Amarillo, Texas 79105-9570  
501 S. Fillmore - Suite 1B

POTTER COUNTY  
Caroline Woodburn  
DISTRICT CLERK

(806) 379-2300

Fax: (806) 372-5061  
districtclerk@co.potter.tx.us

=====

OFFICER'S RETURN---CERTIFIED MAIL

Cause No. V-106231-00-E in the 108TH DISTRICT COURT  
Style: DANNY PRICE GARRETT VS. JAMES WALTER CAVE AND EAN HOLDINGS, LLC

This CITATION was executed by mailing an exact copy of it with an exact copy of the PLAINTIFF'S ORIGINAL PETITION attached, to the defendant(s) and addressed named above by certified mail, return receipt requested.

Date Mailed: Feb 27, 2017

Certified Mail #: 9414724499042080647231

Fee for Return: \$ 75.00

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS

By: Karen M. Chesser, Deputy

THE STATE OF TEXAS

COUNTY OF POTTER

The return receipt was received on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
bearing a delivery date of \_\_\_\_\_, 20\_\_\_\_, and is  
attached hereto and made a part of this return.

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS

By: \_\_\_\_\_, Deputy

Before me, the undersigned authority, personally appeared:  
\_\_\_\_\_, who after being duly sworn,  
stated that the above facts are true and correct, subscribed and sworn  
to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Notary

My Commission Expires: \_\_\_\_\_

P.O. Box 9570  
Amarillo, Texas 79105-9570  
501 S. Fillmore - Suite 1B

POTTER COUNTY  
Caroline Woodburn  
DISTRICT CLERK

(806) 379-2300  
Fax: (806) 372-5061  
districtclerk@co.potter.tx.us

=====

THE STATE OF TEXAS  
CIVIL

CITATION--CERTIFIED MAIL

CAUSE NO. V-106231-00-E

DANNY PRICE GARRETT VS. JAMES WALTER CAVE AND EAN HOLDINGS, LLC  
IN AND FOR THE: 108TH DISTRICT COURT

TO: EAN HOLDINGS, LLC BY SERVING ITS REGISTERED AGENT  
THE CORPORATION COMPANY  
1833 SOUTH MORGAN ROAD  
OKLAHOMA CITY, OK 73128

**NOTICE:** YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS FILED ON: FEBRUARY 23, 2017 IN THE 108TH DISTRICT COURT LOCATED AT AMARILLO, POTTER COUNTY, TEXAS.

ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION

THE ATTORNEY FOR THE PLAINTIFF IS: JESSE QUACKENBUSH, 801 S FILLMORE, STE 460, AMARILLO, TEXAS 79101, (806) 374-4024.

THIS CITATION WAS EXECUTED BY MAILING A TRUE COPY OF IT TO THE DEFENDANT AND ADDRESS NAMED ABOVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED WITH A TRUE COPY OF THE PETITION ATTACHED.

ISSUED AND GIVEN UNDER MY HAND AND SEAL ON: FEBRUARY 27, 2017

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS

BY Karen McMiller DEPUTY

(OFFICER'S RETURN FOLLOWS)

OJ

DEPUTY

FILED  
CAROLINE WOODBURN  
DISTRICT CLERK  
FEB 27 2017 AM 8:36  
POTTER COUNTY, TEXAS  
BY Karen McMiller  
DEPUTY

**ORIGINAL FOR RETURN**

P.O. Box 9570  
Amarillo, Texas 79105-9570  
501 S. Fillmore - Suite 1B

POTTER COUNTY  
Caroline Woodburn  
DISTRICT CLERK

(806) 379-2300  
Fax: (806) 372-5061  
districtclerk@co.potter.tx.us

OFFICER'S RETURN---CERTIFIED MAIL

Cause No. V-106231-00-E in the 108TH DISTRICT COURT  
Style: DANNY PRICE GARRETT VS. JAMES WALTER CAVE AND EAN HOLDINGS, LLC

This CITATION was executed by mailing an exact copy of it with an exact copy of the PLAINTIFF'S ORIGINAL PETITION attached, to the defendant(s) and addressed named above by certified mail, return receipt requested.

Date Mailed: Feb 27, 2017

Certified Mail #:

Certified Article Number

Fee for Return: \$ 75.00

9414 7266 9904 2080 6472

SENDERS RECORD

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS

By: Karen McMillan

Deputy

THE STATE OF TEXAS

COUNTY OF POTTER

The return receipt was received on the 17<sup>th</sup> day of March 2017, bearing a delivery date of Mar 2, 2017, and is attached hereto and made a part of this return.

CAROLINE WOODBURN, CLERK OF THE COURT  
POTTER COUNTY, TEXAS

By: Jean Mc

Deputy

Before me, the undersigned authority, personally appeared: Jean Mc, who after being duly sworn, stated that the above facts are true and correct, subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Notary

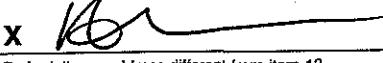
My Commission Expires: \_\_\_\_\_

EAN HOLDINGS, LLC  
BY SERVING ITS REGISTERED AGENT  
THE CORPORATION COMPANY  
1833 SOUTH MORGAN ROAD  
OKLAHOMA CITY, OK 73128

9414 7266 9904 2080 6472 31 DC

**TO:** EAN HOLDINGS, LLC  
BY SERVING ITS REGISTERED AGENT  
THE CORPORATION COMPANY  
1833 SOUTH MORGAN ROAD  
OKLAHOMA CITY, OK 73128

PS Form 3800, January 2005			
RETURN RECEIPT SERVICE	Postage	1	EX COUNTY, TEXAS DEPUTY PEN POTTER COUNTY, TEXAS CLERK CAROLINE WOODBURN FILED FEB 28 2017 OKLAHOMA CITY, OK 73128 K
	Certified Fee	<input checked="" type="checkbox"/>	
	Return Receipt Fee	<input checked="" type="checkbox"/>	
	Restricted Delivery	<input checked="" type="checkbox"/>	
	Total Postage & Fees	7.29	
<b>USPS®</b> <b>Receipt for</b> <b>Certified Mail®</b>			
No Insurance Coverage Provided Do Not Use for International Mail			
POSTMARK OR DATE			
U.S. DOWNTOWN STATION FEB 28 2017 AMARILLO, TX 79101			

2. Article Number  106231-E	COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)		B. Date of Delivery
Adelia Wack		MAR 02 2017
C. Signature  X 		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:  BY		<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Service Type CERTIFIED MAIL®	Reference Information	
4. Restricted Delivery? (Extra Fee)  BY	POTTER COUNTY, TEXAS CAROLINE WOODBURN FILED FEB 28 2017 OKLAHOMA CITY, OK 73128 POTTER COUNTY DIST. CIVIL KM	
1. Article Addressed to:  EAN HOLDINGS, LLC BY SERVING ITS REGISTERED AGENT THE CORPORATION COMPANY 1833 SOUTH MORGAN ROAD OKLAHOMA CITY, OK 73128		

8352

Filed  
Dale Woodburn  
District Clerk  
3/24/2017 2:34:48 PM  
Potter County, Texas  
By \_\_\_\_\_ Deputy

**CAUSE NO. 106231-E**

**DANNY PRICE GARRETT**

**v.**

**JAMES WALTER CAVE AND EAN  
HOLDINGS, LLC**

**§ IN THE DISTRICT COURT**

**§ 108th JUDICIAL DISTRICT**

**§ POTTER COUNTY, TEXAS**

**DEFENDANT ENTERPRISE LEASING COMPANY OF CHICAGO, LLC,  
INCORRECTLY NAMED AS HOLDINGS, LLC'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ENTERPRISE LEASING COMPANY OF CHICAGO, LLC,  
**INCORRECTLY NAMED AS EAN HOLDINGS, LLC**, Defendant named in the above  
entitled and numbered cause, and files this its Original Answer, and for same would respectfully  
show unto the Court as follows:

**I.**

**GENERAL DENIAL**

Defendant denies each and every, all and singular, the material allegations contained  
within Plaintiff's pleadings and demands strict proof thereof.

**II.**

**WHEREFORE, PREMISES CONSIDERED**, Defendant ENTERPRISE LEASING  
**COMPANY OF CHICAGO, LLC, INCORRECTLY NAMED AS AN HOLDINGS, LLC**  
prays that the Plaintiff take nothing by this suit, that Defendant go hence with its costs without  
delay, and for such other and further relief, both general and special, at law and in equity, to  
which Defendant may show itself justly entitled.

Respectfully submitted,

**FEE, SMITH, SHARP & VITULLO, L.L.P.**



**BRETT A. SMITH**  
State Bar No. 18542275  
13155 Noel Rd.  
Suite 1000  
Dallas, TX 75240  
(972) 934-9100  
(972) 934-9200 (Fax)  
[bsmith@feesmith.com](mailto:bsmith@feesmith.com)

**ATTORNEYS FOR DEFENDANT  
ENTERPRISE LEASING COMPANY OF  
CHICAGO, LLC, INCORRECTLY NAMED  
AS EAN HOLDINGS, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing is being served upon all parties in accordance with the Texas Rules of Civil Procedure, on this the 24<sup>th</sup> day of March, 2017 as follows:

**Via Certified Mail/RRR**  
Jesse Quackenbush  
Quackenbush Law Firm  
801 South Fillmore  
Suite 460  
Amarillo, TX 79101



**BRETT A. SMITH**

Filed  
Caroline Woodburn  
District Clerk  
3/24/2017 2:34:48 PM  
Potter County, Texas  
By \_\_\_\_\_ Deputy

**REQUEST FOR COPIES AND/OR SEARCH FOR POTTER COUNTY FAMILY AND CIVIL RECORDS**

TEXAS GOVERNMENT CODE § 51.318 Fees Due When Service Performed or Requested:

(b) (3) for searching files or records to locate a cause when the docket number is not provided.	\$5.00
(4) for searching files or records to ascertain the existence of an instrument or record in the District clerk's office	\$5.00
(7) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page	\$1.00
(8) for a noncertified copy, for each page or part of a page not to exceed \$1.00	\$.50

THESE FEES DUE PAYABLE TO POTTER COUNTY DISTRICT CLERK

Return this form along with payment for the required fees. (Fees may be waived for Government Agencies)

District Clerk, Potter County, P.O. Box 9570, Amarillo, TX 79105

Or

Contact the Family Department at 806.379.2319 or Civil Department at 806.379.2301 to obtain an alternative method of submitting this request and to determine the page count of the requested document/s.

This office accepts the following forms of payment:

- Money order
- Cashier's check (this office does not accept personal checks)
- Credit or debit/credit card payment

**Record Search: Type of Case (circle one) Divorce/Family Case or Civil Case**

Name(s) to be searched: \_\_\_\_\_

Approximate Year/s to be searched: \_\_\_\_\_

Date of Birth (if known will provide more accurate results): \_\_\_\_\_

**Copies: Type of Case (circle one) Divorce/Family Case or Civil Case**

\*Add \$5.00 as an additional search fee for obtaining the cause number if not provided

Case/cause number(s): 106231-E

Name/type/description of document(s) to be copied: D. CASE SUMMARY

2) CIVIL COVER SHEET

Please specify how you would like copies to be returned:

Certified copies (mailed back only) - \$1 page, \*\*a self-addressed stamped envelope is required

Non Certified copies (mailed back) - \$.50 per page, \*\*a self-addressed stamped envelope is required

Emailed back (non-certified documents only) - \$5 per document

**Requesting person contact information:**

Name: ARTI JARIWALA

Phone number: (972) 980-3265

Email address: AJARIWALA@FEESMITH.COM

The Clerk is authorized to charge the fees for copies or search to my: (circle one) Visa, MasterCard, Discover and American Express

Credit Card Number: \_\_\_\_\_ Exp Date: \_\_\_\_\_ Security Code: \_\_\_\_\_

Card Holder's Name: JAY N. FRY

Authorized user signature: DOUG FRY Date: 3-22-17

Billing Address & Zip Code: FEESMITH, SHARPE VILLAGE, 36 GALLERIA TWR, 13155 NOEL RD. #1000, PALLAS TX 75240

Telephone Number with Area Code: (972) 934-9100

Email Address to party requesting: AJARIWALA@FEESMITH.COM